
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

DAVID THOMAS LUMPKIN, JR.,

Plaintiff,

versus

WELLPATH,

Defendant.

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CIVIL ACTION NO. 1:24-CV-88

**ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff David Thomas Lumpkin, Jr., a federal prisoner, proceeding *pro se* and *in forma pauperis*, brought this civil rights action pursuant to *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against Wellpath.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. On April 30, 2024, the magistrate judge recommended dismissing the action pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure to state a claim. To date, the parties have not filed objections to the report and recommendation.

The court received and considered the Report and Recommendation of United States Magistrate Judge pursuant to such referral, along with the record, pleadings and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the Report and Recommendation of United States Magistrate Judge (#5) is

ADOPTED. A final judgment will be entered in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 18th day of June, 2024.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE